

# HB0438S01 compared with HB0438

~~text~~ shows text that was in HB0438 but was deleted in HB0438S01.

text shows text that was not in HB0438 but was inserted into HB0438S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Brady Brammer proposes the following substitute bill:

## ELECTRONIC CIGARETTE REQUIREMENTS

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Brady Brammer**

Senate Sponsor: \_\_\_\_\_

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### LONG TITLE

#### General Description:

This bill amends provisions relating to the provision of electronic cigarette products.

#### Highlighted Provisions:

This bill:

- ▶ ~~sets a limit for nicotine content for an~~ regulates electronic cigarette ~~product~~ products that ~~may be~~ are sold in the state.

#### Money Appropriated in this Bill:

None

#### Other Special Clauses:

None

#### Utah Code Sections Affected:

AMENDS:

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26-57-103, as last amended by Laws of Utah 2021, First Special Session, Chapter 12

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section 26-57-103 is amended to read:

**26-57-103. Electronic cigarette products -- Labeling -- Requirements to sell -- Advertising.**

(1) The department shall, in consultation with a local health department and with input from members of the public, establish by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the requirements to sell an electronic cigarette substance that is not a manufacturer sealed electronic cigarette substance regarding:

(a) labeling;

~~[(b) nicotine content;]~~

~~[(c)]~~ (b) packaging; and

~~[(d)]~~ (c) product quality.

(2) On or before January 1, 2021, the department shall, in consultation with a local health department and with input from members of the public, establish by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the requirements to sell a manufacturer sealed electronic cigarette product regarding:

(a) labeling;

~~[(b) nicotine content;]~~

~~[(c)]~~ (b) packaging; and

~~[(d)]~~ (c) product quality.

(3) (a) A person may not sell an electronic cigarette substance unless the electronic cigarette substance complies with the requirements established by the department under Subsection (1).

(b) Beginning on July 1, 2021, a person may not sell a manufacturer sealed electronic cigarette product unless the manufacturer sealed electronic cigarette product complies with the requirements established by the department under Subsection (2).

(4) (a) A local health department may not enact a rule or regulation regarding electronic cigarette substance labeling, nicotine content, packaging, or product quality that is not identical to the requirements established by the department under Subsections (1) and (2).

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(b) Except as provided in Subsection (4)(c), a local health department may enact a rule or regulation regarding electronic cigarette substance manufacturing.

(c) A local health department may not enact a rule or regulation regarding a manufacturer sealed electronic cigarette product.

(5) A person may not advertise an electronic cigarette product as a tobacco cessation device.

(6) Beginning October 1, 2023 ~~the department shall set a standard for nicotine content that~~:

(a) ~~for~~ a product described in Subsection (1), ~~does~~ may not exceed:

(i) ~~360 milliliters~~ milligrams per container; or

(ii) a 24 milligrams per milliliter concentration of nicotine; and

(b) ~~for~~ a product described in Subsection (2), ~~does~~ may not exceed:

(i) 3% nicotine by weight per container; or

(ii) a 36 milligrams per milliliter concentration of nicotine.